

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 30, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino

Absent: None

Raymond Kiser, Pastor of the Memorial United Methodist Church gave the Invocation.

RESOLUTION FOR REUBEN S. ROUNTREE

Mayor McClellan read a resolution citing Reuben S. Rountree for his invaluable administrative leadership in the course of his service to the City of Austin, beginning in 1936 and ending with 22 years as Director of the Public Works Department. The resolution, signed by the Mayor and all present Council members, recognized Mr. Rountree for serving the City of Austin in a professional and dedicated manner for more than 40 years and called on the citizens of Austin to join in recognizing his many contributions to municipal service.

Mr. Rountree accepted the resolution with his thanks and introduced his wife and staff to the Chamber, thanking them for their help through the years. Members of the Council, the Mayor and staff members then shook hands with him.

NATIONAL SAFE BOATING WEEK

The week of July 3-9, 1977, has been proclaimed National Safe Boating Week in a proclamation read by Mayor Pro Tem Snell urging all who use our waterways to acquire those skills essential to the safety of themselves and others, and to apply them carefully.

Mr. Andy Anderson, member of the civilian arm of the United States Coast Guard, operating under direct orders of District 8, out of New Orleans, accepted the proclamation with his thanks. He said they will be on the boat docks July 3, 4, and 5 to examine boats, not to report deficiencies to any agency, but to tell the boat owners what, if anything, is wrong with their boat.

#### JAMIE STEWART RECOGNIZED

Miss Jamie Stewart, having made a personal challenge to swim across the English Channel and back again, in her bid to become the first woman to perform the round-trip feat received a resolution from the City Council of Austin recognizing her for her dedication and determination. Miss Stewart thanked the Council for the resolution and said she could not attempt her swim without the good support of the Council, the Parks and Recreation Department, Jack Robinson, and the lifeguards at Barton Springs Pool.

#### AUSTIN HIGH SCHOOL CLASS OF 1957 DAY

Mayor McClellan read a proclamation marking the eve of the score year reunion of the Austin High School Class of 1957 which will be on Saturday July 2, 1977. Present in the Council Chambers to accept the proclamation was Carole Patterson Nieman, Betty Baine Warner, Diana Choate Smith, Nancy Boswell Hodges, and three little girls from the Nieman family. Mayor McClellan was a member of the class of 1957.

#### APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes of the Council meeting for June 23, 1977. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

#### EXECUTIVE SESSION

Mayor McClellan announced the Council had been meeting in executive session. She said they had some appointments to make to the Commission on the Status of Women.

#### Commission on the Status of Women

Councilmember Himmelblau moved that the Council appoint Terry Lynne Masters, Margaret Owens, Nadea Gizelbach, Lawrence Miller and Aralyn Cepeda to two year terms, Jane Duer to fill an unexpired term ending June 30, 1978, and Pete Beeson as an ex-officio member of the Commission on the Status of Women. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

At next week's meeting, Mayor McClellan said they would appoint three members to the Building Standards Commission, three members to the Plumbing Board of Appeals and one member to the Urban Renewal Board. She also said they would be re-convening in executive session for a few minutes at 2:00 p.m. (Later, when the morning session lasted until 1:00 p.m., Mayor McClellan announced that they would not re-convene in executive session today.)

#### ZONING HEARINGS

Mayor McClellan announced the Council would hear the zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

UNIVERSITY CHRISTIAN CHURCH	2000-2004 University Avenue, and bounded by West 20th Street	Request revision to site plan.
By Roy C. Snodgrass, III		RECOMMENDED by the Planning Commission
C14-76-115		

Councilmember Mullen moved that the Council grant the requested revision to the site plan, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the requested revision to the site plan was granted, and the City Attorney was instructed to draw the necessary ordinance to cover.

FIRST KEN-CO PROPERTIES, INC.	8666 Spicewood Springs Road, also bounded by Barrington Oaks Drive	From Interim "AA" Residence 1st Height and Area To "GR" General Retail 1st Height and Area
By Safeway Stores		RECOMMENDED by the Planning Commission
C14-77-046		

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CLR DEVELOPMENT, INC. 2508-2604 Burleson Road  
By C. L. Reeves 2603-2621 Metcalfe Road  
C14-77-050

From "BB" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant the change to "A" Residence, 1st Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area, and the City Attorney was instructed to draw the necessary ordinance to cover.

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KENNETH W. PITTMAN 11637 Research  
C14-77-052 Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "C-1" Commercial (Tract 1)  
"GR" General Retail  
(Tract 2)  
1st Height and Area  
RECOMMENDED (as amended) by  
the Planning Commission

Councilmember Mullen moved that the Council grant the change to "C-1" Commercial (Tract 1) and "GR" General Retail (Tract 2) 1st Height and Area District, as recommended by the Planning Commission, as amended. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial (Tract 1) and "GR" General Retail (Tract 2) 1st Height and Area District, as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

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E. C. WAAGNER 2201 Airport Boulevard  
By Donald Bird also bounded by Theo  
C14-77-055 Drive

From "GR" General Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "C" Commercial, 1st Height and Area, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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RICHARD L. MATZ	12452-12536 U.S. 183	From Interim "AA" Residence
AND EMILE JAMAIL	11936-12020 Oak Knoll	1st Height and Area
C14-77-056	12023-12049 Jollyville	To "GR" General Retail
		1st Height and Area
		RECOMMENDED (amended area) by
		the Planning Commission

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District (amended area) as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (amended area), and the City Attorney was instructed to draw the necessary ordinance to cover.

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JAMES K.	7113 Burnet Road	From "GR" General Retail
EICHELBERGER, JR.,	Suite 109	1st Height and Area
ET AL		To "C-1" Commercial
C14-77-059		1st Height and Area
		RECOMMENDED by the Planning
		Commission

Councilmember Mullen moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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LYNN W. STORM  
By Carl Burnette  
C14-77-060

3811 South Lamar  
Boulevard, also  
bounded by Victory  
Lane

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Mullen moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area, and the City Attorney was instructed to draw the necessary ordinance to cover.

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NELL WALLACE IRWIN  
C14-77-058

11835-11837 Old U.S.  
Highway 183

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
(Tract 1) and  
"O" Office (Tract 2)  
1st Height and Area  
RECOMMENDED (as amended) by  
the Planning Commission

Applicant present. Mr. Lillie reviewed the location by use of slides. He said the applicant had requested zoning which would permit expansion. If the property remained in its present zoning, the restaurant could not expand, or if it were demolished, they could not rebuild, and if it went out of business, they could not re-occupy. He said there was no opposition to the zoning. Councilmember Trevino asked what the recommendations of the staff were. (Planning Commission recommended the zoning.) Mr. Lillie answered the staff felt the property should not be zoned because it would provide some precedent for continued zoning on Old Jollyville Road. He said there had been an attempt in the past to keep the commercial zoning on the highway and residential zoning on Old Jollyville Road. Councilmember Trevino asked for the Commission's vote and was told it had been 4-3. Mayor McClellan asked if the applicant wished to speak.

MS. NELL IRWIN, owner of the property, bought it as commercial property and said there had been a business there for about 20 years. She paid a lot for the property and spent about \$60,000 to remodel it to make it into a fine restaurant. She said she had put in new wiring, etc., to make it suitable for commercial use. Ms. Irwin also pointed out that because the restaurant sells alcoholic beverages secondary to food, in order to be successful they need the "GR" zoning. Her surveyor had made plans, which she passed out for the members of the Council to look at. Mayor McClellan asked if there was anyone present in opposition to the zoning. No one indicated they were.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District (Tract 1) and "O" Office, 1st Height and Area District (Tract 2), as amended, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman

Noes: Councilmember Trevino

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District (Tract 1) and "O" Office, 1st Height and Area District (Tract 2), as amended, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN  
By Planning  
Department  
C14-74-137

8410-8412 Beech Drive

From "B" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area

RECOMMENDED by the Planning Commission, subject to a restrictive covenant limiting use of the property to parking of vehicles unless pursuant to an approved special permit, prohibiting access to Beech Drive and providing for a privacy fence along Beech Drive as required in original zoning.

Applicant present. Mr. Lillie reviewed the application by use of slides. He said the owner of the property wanted access to Beech Drive to permit traffic that will be using the property access to the residential street.

MR. VERNON ROOT, owner of the property, appeared before Council to say that the reason he had requested access to Beech Drive was to enable him to gain access to Highway 183 to travel east. Under the present law he cannot make a U-turn and go east. He said it was his understanding that law is being changed and if so, he will withdraw his objection to the restrictive covenant. He asked for clarification. Mr. Ternus, Director of Urban Transportation, said there is a provision in the ordinance that a U-turn cannot be made. However, he said the Citizen's Traffic Safety Commission has endorsed an amendment that will be before the Council next week allowing U-turns except where they may be prohibited because of a hazard. Councilmember Cooke said that perhaps this should be withdrawn until after the amendment to the ordinance is voted on. Councilmember Himmelblau told the Council the ordinance amendment would make no difference in her vote because there was no way she would vote for access on Beech Drive. She said it goes into a residential area and she would not be in favor of putting commercial traffic on it. Mr. Root told the Council he did not want this withdrawn because he had been going through this issue for a year. He explained he would withdraw his objections if the ordinance was going to be amended.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

HURSCHEL B.  
MORGAN, ET UX  
By Dick Rotkosky  
C14-77-049

6301 Manchaca Road

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission "O" Office, 1st  
Height and Area on the amended  
area (which excludes the north  
20 feet and south 20 feet of  
the lot), subject to a re-  
strictive covenant limiting the  
use to a dance studio.

Applicant present. Mr. Lillie reviewed the location by use of slides. Mr. Hurschel B. Morgan, the applicant, appeared before Council to say he is in favor of the recommended zoning for a dance studio. Ms. LaDonna White appeared to speak in behalf of Mr. Dick Rotkosky, a resident in the area, to point out the accessibility of the studio to children in the area and asked for the Council's concurrence with the plan.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District on the amended area (which excludes the north 20 feet and south 20 feet of the lot), subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District on the amended area (which excludes the north 20 feet and south 20 feet of the lot), subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

FRANCES A. HALL  
By LeVaun C. Hall  
C14-77-054

4413 Pack Saddle Pass,  
also bounded by  
Redd Street

From "A" Residence  
1st and 6th Height and Area  
To "O" Office  
1st and 6th Height and Area  
RECOMMENDED by the Planning  
Commission, subject to dedica-  
tion of ten feet of right-of-  
way on Redd Street



Mr. Lillie reviewed the location by use of slides.

Mayor Pro Tem Snell moved that the Council grant "O" Office, 1st and 6th Height and Area, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st and 6th Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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BUFORD L.  
McMAHAN  
C14-77-057

5334-5338 Duval Road

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED as amended by the  
Planning Commission subject to  
dedication of five (5) feet of  
right-of-way on Duval Road  
(Thunder Creek Road).

Applicant present. Mr. Lillie reviewed the location by use of slides. MR. ROY BURTON, Brother-in-law of Buford L. McMahan, appeared to discuss the property, and pointed out that surrounding property has commercial enterprises and requested the Council to grant the Planning Commission's recommendation.

Mayor Pro Tem Snell moved that the Council grant "GR" General Retail, 1st Height and Area District, as amended, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, as amended, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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STATE NATIONAL  
BANK OF EL PASO,  
TRUSTEE & INDE-  
PENDENT EXECUTOR  
By Jerry Saegert  
C14-77-053

600-604 Davis Street,  
also bounded by Red  
River Street

From "A" Residence  
1st Height and Area  
To "C" Commercial  
2nd Height and Area  
NOT Recommended  
RECOMMENDED "C" Commercial, 1st  
Height and Area, subject to a  
restrictive covenant restrict-  
ing improvements as proposed  
in site plan presented by  
applicant.

Mr. Lillie reviewed the location by use of slides. MR. JERRY SAEGERT, representing the trustee in the sale of the property to the Texas Mailing and Printing Company who wanted to relocate their business to the site in this application, appeared before the Council. He showed plans of the proposed building and indicated the property at present was in derelict condition with piles of junk and old cars stored on the location. He pointed out to the Council that the trees would be retained with a green belt area around the plant. Councilmember Himmelblau asked if his client was in agreement with the 1st Height and Area recommended by the Planning Commission. Mr. Saegert said they were. Councilmember Goodman was concerned if there would be any smell from the printing plant. Mr. Saegert replied that there would not be an odor from the printing process and that the residents of the area are in favor of the proposed building...that they said it would be an improvement to the present use of the property.

Councilmember Himmelblau moved that the Council grant "C" Commercial, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

TRUDIE V. DAVIS  
By Steven Deutchman  
C14-77-047

2901-2905 South 1st  
Street, also bounded by  
El Paso Street

From "LR" Local Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Commissioner approved

Applicant present. Mr. Lillie reviewed the location by use of slides. He said the Planning Department would not object to "GR" General Retail zoning if requested. He said this zoning would permit the proposed use, but require that all storage be under one roof, which he felt was more objective handling of the application than to grant "C" Commercial zoning. He stated that the Planning Commission considered "GR" General Retail zoning.

MR. JEFF FRIEDMAN, represented the applicant, Steven Deutchman, who is representing the property owner, Ms. Trudie V. Davis. He said the property is not properly conducive to "C" Commercial zoning but "GR" General Retail would be acceptable, he thought, considering the adjoining "GR" General Retail zoning. Currently, the property is used as a beauty salon, next door is a service station, across the street is a non-conforming to zoning use for a restaurant. He felt traffic in the area would not be increased by anything the Council or Planning Commission will do in the future. It is a heavily traveled street, he said, and planned usage for the structure is a plumbing supply business with all storage enclosed. He requested the Council grant "GR" General Retail zoning.

MR. JOHN COREY, who lives on Stacy Lane, appeared in opposition to the proposed zoning. He asked that there be no more commercial business located on South 1st Street because their neighborhood is quiet and they don't need any more traffic. Councilmember Trevino asked him if he had taken his complaint to the Planning Commission; Mr. Corey said he had not. Mr. Friedman said he may be getting it confused with "C" Commercial zoning which would create much more traffic than "GR" General Retail. Mr. Friedman continued that there had been no opposition present at the Planning Commission meeting, nor had Mr. Deutchman heard of any opposition from the property owners. Mr. Corey indicated the property in question is not very active at present, and he still felt that new zoning would mean more traffic.

Mr. Friedman said he understood that "GR" General Retail zoning had been considered at the Planning Commission's meeting according to Mr. Lillie, but the discussion of same does not appear in the minutes of that particular meeting of the Commission. Therefore, Mr. Friedman said they had written a letter to the Council requesting their consideration of an amended "GR" zoning. Councilmember Himmelblau said she did not feel the proposed usage would be detrimental to the neighborhood, but was afraid that if the plumbing business moved out, "GR" General Retail is quite permissive, and asked if there could be a restrictive covenant. Mr. Friedman said the zoning directly across the street is "GR" General Retail, and they back up to the same type of residential neighborhood.

Councilmember Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area, with restrictive covenant to roll back to "LR" Local Retail, if the plumbing business moves. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke,  
Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Mr. Friedman asked for the opinion of Mr. Jerry Harris, City Attorney, concerning his request that the zoning ordinance be passed today. This, he said, is because of a contract of sale which is going to be negotiated. He wondered if they could pass the ordinance, with the restrictive covenant, through three readings, today. Mr. Harris stated: "Well, except for the fact

that we usually do not bring the ordinance back until the condition has been met, it would be my preference we get the restrictive covenant resolved and pass the ordinance next week." Mr. Friedman said that would be fine.

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THOMAS R. McELHENNEY 11803-11807 & 11716-  
By Phil Mockford 11720 Bell Avenue  
C14-77-048

From Interim "AA" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
NOT Recommended by the  
Planning Commission

Applicant present. Mr. Lillie reviewed the location by use of slides. He said the application was for the purpose of changing the zoning to allow the building of duplexes on the property.

MR. PHIL MOCKFORD, representing the owner of the lots, Dr. McElhenney, appeared to say he has owned the lots for fifteen years and has had them for sale ever since he first purchased them. At the time the property was annexed, Dr. McElhenney had a contract to sell the lots for duplexes. Since the annexation there has been a necessity for zoning. He said he thought the reason the property had been hard to sell was because of the 80 foot width of the street which was meant to be a collector street. He felt the traffic would require the width of the street even though it is not that wide now. The Commission voted 3-3 concerning the re-zoning...that is the reason it is not recommended. There were no plans of the proposed duplexes available at the Planning Commission meeting. Mr. Rainford, buyer for the land, is present this morning, continued Mr. Mockford, and has plans to show the Council. At this point, he showed the designs and said two duplexes will be in the \$85,000 range, two in the \$90,000 range, and two in the \$100,000 range. Mr. Mockford said he would present site plans, etc., to show that the proposed building would not contribute to a "junked up" neighborhood. There are already two duplexes up at the other end of the street that have been set compatibly in the neighborhood for years, Mr. Mockford pointed out.

#### Motion

Councilmember Goodman made a motion, seconded by Councilmember Cooke, that the property be zoned "A" Residence, 1st Height and Area District.

REVEREND PAUL WEISS, who lives on Hamrich Court, which backs up to the property, appeared before Council. He brought up the deed restrictions of the property and said no building can be built on any property that is less than 100 foot frontage. He felt the wishes of the neighbors should be considered before any decisions are made by the Council. Rev. Weiss said he had a petition asking that the zoning not be changed. Councilmember Goodman asked if the petition had been signed by surrounding property owners. Rev. Weiss affirmed it has been. Mayor McClellan asked if the petition had been presented to anyone yet. Rev. Weiss said it had not. Mayor McClellan replied they needed to know if it is a valid petition, that is owners of 20% of the land within the property. She said that determining the validity of the petition would have an effect on the outcome of a vote. Mayor McClellan also pointed out the Council does not have the authority to concern itself with deed restrictions, but deed restrictions do supercede any zoning. Rev. Weiss quoted the Page and Volume of the deed restrictions.

The Mayor stated it would take some time to verify the petition.

Motion Withdrawn

Councilmember Goodman withdrew his motion.

The Mayor said they would resume this zoning hearing at 2:00 p.m. (The hearing on this zoning was resumed at 2:00 p.m. of the same day. Councilmember Trevino, who was present in the morning, was absent for the afternoon portion of the hearing.)

When this item was taken up again in the afternoon, the Mayor asked Mr. Harris, City Attorney, to present the findings concerning the petition. Mr. Harris said Mr. Lillie was still checking out the petition to ascertain if it contains signatures of at least 20% of the owners within a 200-foot area. However, one thing had been overlooked during the morning, Mr. Harris said. The request is from Interim "AA" Residence to Interim "A" Residence, and if property is zoned interim, the Courts have upheld that a petition would not put into effect the requirement of a six-vote majority for passage. This Court ruling, Mr. Harris said, is based on the Los Altos case. Mayor McClellan said then that this case could be ruled on the merits.

Councilmember Goodman asked Rev. Weiss if he had seen the building plans. He had not, so they were shown to him. Rev. Weiss seemed impressed and told the Council that if the neighbors could see what is being planned for these lots, he did not think there would be too much objection. He also brought out the point that septic tanks are used in the area and said that if wastewater were brought into the area there should be no objection at all.

Councilmember Mullen moved that the Council grant "A" Residence, 1st Height and Area District, subject to site plan approval by the Planning Department. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, subject to site plan approval by the Planning Department, and the City Attorney was instructed to draw the necessary ordinance to cover.

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The following zoning case was WITHDRAWN:

ANNE VEACH  
By Forest Pearson  
C14-77-051

901-905 Rio Grande  
Street, also bounded by  
West 9th Street

From "B" Residence  
2nd Height and Area  
To "O" Office  
2nd Height and Area

RECOMMENDED by the Planning Commission as amended  
subject to a restrictive covenant providing for  
a zoning rollback to "B" Residence, 2nd Height  
and Area should structure be removed.

Applicant present. Mr. Lillie reviewed the location by use of slides. The recommendation is acceptable to the applicant, according to Mr. Lillie. He said the area is still predominantly residential in character, but there is a restaurant on the opposite corner and an office building hidden in the trees kitty-corner to the property being discussed.

MR. FOREST PEARSON, appearing for the applicant, stated that one of his employees represented Mrs. Veach at the Planning Commission meeting. Without her consent, the representative implied that Mrs. Veach would be agreeable to the covenant. Since that time Mr. Pearson has been in touch with Mrs. Veach, who lives in Virginia. She is strongly against the restrictive covenant for several reasons. Immediately across the street south there is "LR" Local Retail zoning, which is now a small restaurant, boutique and cheese shop. Directly west is the headquarters of the Music Teachers Association. The structure on the other corner is used as a lawyers office in one section and an art studio in the rest of it. Mr. Pearson said the building appears to be rather regal, but the facade was added in 1922 and the actual house is a rectangular box that fits behind the porches and columns. He said the conversion of the structure to a modern type office building would be difficult and impractical in his opinion. He said at present time there is no plan to demolish the property, but want the zoning as recommended without the restrictive covenant.

MS. SUZANNE CANNON, 906 Rio Grande, a renter, appeared to say her family enjoyed living in the City as it is convenient to everything. She pointed out that some of the property in the area was zoned "O" Office about 20 years ago and there are very few pieces of property for sale in the area because the people who own the property think it ultimately will be zoned commercial. The people who live in the area as residents want to keep it in tune with the Master Plan's designation for a downtown neighborhood. She feels the Council should turn down the requested zoning in deference of the people in the area who are serious homeowners, since there is no pressing need for further office space at this time.

PHILLIP JORDAN, who resides at 907 Rio Grande, said that in order to make the property under discussion into a business, the beautiful garden adjacent to the house would have to be destroyed. He feels it is a sturdy house that should be kept as a residence. There is already a parking problem now in the neighborhood and he feels if it were turned into a business, there would be much more of a problem. He and his neighbors agree, he stated, that the property should not be re-zoned.

WINFRED HANDLEY, 607 West 10th, owns property in the area which she bought ten years ago and has remodelled it into her home. She thinks the property under discussion would make a good home and said they certainly don't ever want a high-rise building or apartment there.

PHILIP JOHNSON also spoke in opposition to the recommended zoning. He too felt there would be a parking problem if it were "O" Office, because there already is a problem with people who park in the neighborhood all day and walk downtown to their offices.

Mr. Pearson appeared before Council again to say the zoning in the area that is still residential is in the minority. He said that other than Mrs. Handley, the Council had been addressed that morning by non-property owners only. Properties in the area, he continued, are not easily rented to the kind of tenants who would uphold the property. Parking is such that it is a discouragement to people with small children living there. He reiterated that they agree with the Planning Commission's recommendation, but said it would be an economic hardship to have to agree to maintain the structure. Councilmember Himmelblau asked what the planned usage is for the structure. Mr. Pearson replied they wanted to use it for attorney's offices and an antique shop.

MR. JEFF FRIEDMAN, former Mayor of Austin, appeared before the Council to clarify a point. He said that the past Council had passed all zoning with restrictive covenants in order to maintain the quality of the structures. So, he said, if any zoning is done it should be done with a restrictive covenant.

Mr. Pearson said he felt economic pressures in the future would remove the restrictive covenants from re-zoned property. He asked again that the restrictive covenant on the property under discussion be removed.

#### Motion

Councilmember Goodman moved that the Council grant "O" Office, 2nd Height and Area, as amended, with a restrictive covenant providing for a zoning rollback to "B" Residence, 2nd Height and Area should the structure be removed, as recommended by the Planning Commission. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

Mr. Pearson said he was disappointed and surprised by the motion and vote and asked if they could withdraw the zoning request in light of the action just taken. Councilmember Trevino informed Mr. Pearson that if he was allowed to withdraw, he could not come back with a zoning request for one year.

#### Motion to Reconsider

Councilmember Himmelblau moved that the Council reconsider their action. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

#### Motion

Councilmember Trevino moved that the Council accept the request to WITHDRAW the zoning application. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Trevino, Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

The Mayor announced that the zoning case had been WITHDRAWN.

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The following zoning case was POSTPONED until July 7, 1977:

CITY OF AUSTIN  
By Planning  
Department  
C14-77-018

Property bounded by  
Ben White Boulevard,  
Burleson Road and a  
line approximately  
2,500 feet west of and  
parallel to Montopolis  
Drive

From Interim "AA" Residence  
1st Height and Area  
To "D" Industrial  
1st Height and Area  
NOT Recommended (as amended)  
by the Planning Commission on  
the entire tract but "D"  
Industrial on the Oil Company  
bulk plant area and "DL" Light Industrial  
on the remainder, subject to subdivision  
where required and dedication of thirty  
(30) feet of right-of-way on the east  
side of Pleasant Valley Road, five (5)  
feet on the east side of Chapman Road  
and 20 feet on the north side of Burleson  
Road. ACI, Inc. is willing to dedicate  
10 feet of right-of-way on Burleson Road  
rather than the recommended 20 feet.

Mr. Lillie reviewed the property by use of slides. He said there is no question about designating the property as industrial, but the primary point discussed in this application was the appropriateness of right-of-way. Ordinances require a minimum of 80 feet in industrial areas. There are portions of the area that do have adequate industrial street right-of-way. All property owners along Burleson are willing to dedicate 20 feet to the right-of-way. He said the right-of-way on Burleson is critical because the railroad exists on the south side and so that makes it impossible to request roadway expansion on both sides of the roadway, but only on the north.

MR. BOB KUHN, representing Air Conditioning Incorporated, said that as far as ACI is concerned, the right-of-way issue is the only thing in question. He said the main point is that it doesn't seem fair, just because there is a railroad next to the property that they have to donate all of the property and the railroad does not have to donate any. He feels that ACI should only be required to donate their half, and they are willing to do that. Mr. Kuhn wondered what the railroad is doing with its property. He asked that the City either get 10 feet from the railroad or buy it from ACI. Councilmember Goodman asked Mr. Lillie if either of these things are possible. Mr. Lillie answered the Council has the option to require dedication or to purchase property from the property owners to assure the right-of-way. He said he could not answer the question in respect to the railroad. Mayor McClellan asked if this could be postponed until next week in order to answer the questions posed. Mr. Davidson replied it could be and they would be able to receive a full report in one week. City Councils in the past have always accepted the Planning Commission's recommendation that there be a right-of-way, but that was not to say there could not be an exception. Councilmember Trevino questioned if they could require land from the railroad rather than penalize the property owners.



MR. P. M. BRYANT, owner of the property on Chapman, appeared before Council to say he is in favor of the zoning, but he is not in favor of having to give 15 feet of property to the City, when someone else only has to give 5 feet.

Councilmember Trevino moved that the Council postpone the zoning case until July 7, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the zoning case had been POSTPONED one week.

#### PENDING ZONING CASES

The Council took action on the following pending zoning cases:

CHARLES C. ALLISON	1800 Stassney Lane	From Interim "A" Residence
AND C. R. GILSTRAP		1st Height and Area
By Terry J. Sasser		To "O" Office
C14-73-141		1st Height and Area
		RECOMMENDED EXTENSION by the
		Planning Commission. Delete
		subdivision requirement.

Councilmember Goodman moved that the Council EXTEND the pending zoning case, deleting the subdivision requirement. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been EXTENDED.

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ST. ANDREWS	2009-2017 Koenig Lane	From "A" Residence
PRESBYTERIAN	1909 Ullrich Drive	1st Height and Area
CHURCH	5800-5808 Laird Drive	To "LR" Local Retail (Tract 1)
C14-73-165		1st Height and Area and
		"O" Office (Tract 2)
		1st Height and Area
		NOT RECOMMENDED
		RECOMMENDED by the Planning
		Commission "O" Office on both
		Tracts 1 and 2.

HARWELL NORRIS, Pastor of St. Andrews Presbyterian Church, appeared before Council to state that for the sake of a proper sign they were requesting "LR" zoning on Tract 1 and withdrawing their zoning request from the rest of the property.

Councilmember Himmelblau moved that the Council grant EXTENSION on Tract 1 with "LR" Local Retail, 1st Height and Area District for sign usage only, and WITHDRAW Tract 2. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan, Mayor Pro Tem Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been EXTENDED on Tract 1, and WITHDRAWN on Tract 2.

R. W. CULLERS,  
ET AL  
By Edgar James  
C14-73-167

3715 Manchaca Road,  
also bounded by the  
planned extension of  
Valley View Road

From "A" Residence  
1st Height and Area  
To "B" Residence  
1st Height and Area (Tract 1)  
"O" Office  
1st Height and Area (Tract 2)  
RECOMMENDED by the Planning  
Commission to delete subdivision  
requirement and pass Ordinance.

Councilmember Goodman moved that the Council EXTEND the zoning case and delete subdivision requirement. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been EXTENDED, deleting the subdivision requirement.

MRS. EDNA J. DUFFY  
By Robert L. Davis  
C14-73-173

1901-1925 South I.H.  
35 and also bounded  
by Mariposa Drive

From "A" Residence  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED EXTENSION by the  
Planning Commission

Councilmember Goodman moved that the Council EXTEND the zoning case, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been EXTENDED.

KVET BROADCASTING  
COMPANY, INC.  
By James W. Dodd  
C14-73-211

Rear of 1868-2040  
Rundberg Lane and  
9429-9701 Running  
Bird Lane

From Interim "A" Residence  
1st Height and Area  
To "D" Industrial  
1st Height and Area (Tracts  
1 and 3)  
"B" Residence  
1st Height and Area (Tracts  
1A, 3A and 2)  
RECOMMENDED EXTENSION by the  
Planning Commission, deleting  
the subdivision requirement.

Councilmember Goodman moved that the Council EXTEND the zoning case, deleting the subdivision requirement. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the zoning had been EXTENDED, deleting the subdivision requirement.

#### PUBLIC HEARING ON AMENDMENTS TO FINANCIAL DISCLOSURE ORDINANCE

Mayor McClellan opened the public hearing on amendments to the Financial Disclosure Ordinance which was scheduled for 10:30 a.m.

Sheila Finneran, Assistant City Attorney, explained that under the proposed ordinance the following people are required to file full financial disclosure statements: Mayor, City Councilmembers, Council Aides, City Manager, Deputy City Manager, Assistant City Managers, City Attorney, Municipal Court Judges and substitute Judges, department and deputy department heads, or the first principal assistant of a department, and such additional city employees as the City Manager should name. Also, members of the following City Boards: Board of Equalization, Zoning Board of Adjustment, Planning Commission, Housing Authority of the City of Austin, Urban Renewal Board of Directors, Historic Landmark Commission, Joint Airport Zoning Board, Building Standards Commission, and Ethics Review Commission.

The above people will file full financial disclosure statements naming sources only, but in addition to that the Mayor and members of the current City Council are required to report sources of income and amounts by category.

Also, under the proposed ordinance, continued Ms. Finneran, there are five boards whose members are required to report only land that they own either personally or through a corporation. They are: Urban Transportation Commission, Citizens' Board of Natural Resources and Environmental Quality, Navigation Board, Parks and Recreation Board, and Community Development Commission.

In addition to this, stated Ms. Finneran, any person who was a City official at any time during a reporting period is required to file a statement of financial information. This provision is designed to include people who either resign from a board or commission or whose term expires before the required filing date. It also includes anyone who is appointed to one of the named boards or commissions and who accepts the appointment will be required to file a letter of intention indicating that they will file their statement of financial disclosure.

Under the current ordinance a required financial statement is required in October; under the proposed ordinance a financial statement is required to be filed only once a year. In reporting the ownership of real property, Ms. Finneran stated, in addition to requirements of the current ordinance a City official is required to report any property for which he or she has entered into a contract for sale. Under the current ordinance a City official is required to report all assets and liabilities of any corporation in which he owns at least 50% interest. Under the draft, a City official is required to report only if it is in excess of \$15,500.00. Finally, she said, under the current ordinance all sources of income exceeding \$350.00 are required to be reported, but under the amended ordinance draft sources of income exceeding \$500.00 are to be reported.

Mayor McClellan asked if there were comments from anyone. Councilmember Himmelblau said she would like to thank Kathy Davis, Common Cause, and Colin Carl, Ethics Review Commission for the work they have put in to the amendments.

Councilmember Mullen asked why is the Mayor and members of the City Council going to be exempt after 1979; Mayor McClellan said she had the same question and was not in agreement with that. Councilmember Mullen said he would prefer to delete that and let them "hang in there from now on." Mayor McClellan agreed and said that a step back cannot be taken for public officials' financial disclosure. Councilmember Himmelblau said she felt sources and land holdings are sufficient enough and doesn't feel future elected public officials can be bound.

Mayor McClellan said her feeling is that public officials should give a full financial disclosure. She thinks the problem has been that citizens who serve on boards and commissions do not put themselves up for what elected public officials do. What we have had with our present ordinance has been somewhat threatening to members of boards and commissions, she feels. Councilmember Trevino said he didn't feel this was so....that critics have talked about there being a mass exodus from boards and commissions over financial disclosure but that out of 500 people that served under the last Council there were only 16 people who declined to serve. Mayor McClellan answered that whether real or imagined, it is somewhat threatening to those serving on boards and commissions. She said she had many letters and phone calls to that effect.

#### Motion

Councilmember Mullen moved that the Council remove the words "whose terms expire May 14, 1979." (This appears in two places.) Councilmember Cooke seconded the motion.

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

Motion

Councilmember Himmelblau made a motion to approve the ordinance as amended. It was seconded by Councilmember Goodman (Roll Call later.)

Councilmember Mullen asked about Section 2-37. Financial Disclosure by Candidates. He wondered why a person who was going to run needed to file. He said the reason for a financial disclosure, as he understood it, is to keep people from stealing. A candidate running for office hasn't had the opportunity. Why do we need people filing in order to run, he asked. Councilmember Trevino said, "that sounds like you can't be a thief unless you are elected." Councilmember Goodman explained this was an added safeguard so that people voting for the City Council can get a good look at the candidates. Anything required for people in office should be required of people running for office, Councilmember Goodman stated.

Councilmember Goodman asked Councilmember Himmelblau if she wanted to accept that as a friendly amendment. "Not really," she replied, "what about you?" "It would be O.K. with me," answered Councilmember Goodman.

Councilmember Mullen told the Council he remembered when they were running many of them agreed with the fact that elected officials should file. Councilmember Trevino said he thought they should put down specific amounts for elected officials. Councilmember Himmelblau said it should be categories and she wouldn't agree to any more than that. Councilmember Goodman said he would agree with that.

After further discussion among Councilmembers concerning conflict of interest, the following substitute motion was made:

Substitute Motion - Died for Lack of a Second

Councilmember Mullen moved that the Council remove Section 2-37 amending the ordinance. There was no second.

Mayor McClellan said, "We're back to the main motion." Mayor Pro Tem Snell asked if that would include closing the public hearing. Right, said Councilmember Goodman. "The main motion," he continued, "has also got to include one sort of clean-up amendment. Can you read it, Sheila? This was something that Councilmember Himmelblau intended to be part of the ordinance and instructions just weren't real clear when we wrote up the ordinance. It's just a minor thing but it straightens out two paragraphs we have in the ordinance."

Ms. Sheila Finneran said this would be on page 4 under E.10. The second paragraph of 10 will be struck in its entirety and the remaining paragraph will read as follows:

"All financial liabilities of the City official reporting which are in excess of \$1,500.00 and all financial liabilities of any legal entity in which the City official owns either legally or beneficially at least a 5% interest, which liabilities are in excess of \$1,500.00, and which liabilities are presently outstanding, or which existed any time during the reporting period when the liability was incurred whether or not interest was being paid on the obligation, the rate of interest, if any, in the name of the obligee, but excluding the amount of the liability."

Councilmember Himmelblau commented this was interest and categories as in the past.

#### Ordinance

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE VI OF THE CODE OF THE CITY OF AUSTIN OF 1967, SAID ARTICLE VI BEING ENTITLED "FINANCIAL DISCLOSURE BY CERTAIN CITY OFFICIALS"; PROVIDING THE FINANCIAL DISCLOSURE BY CERTAIN CITY OFFICIALS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally adopt Amendments to the Financial Disclosure Ordinance and pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilmember Goodman said he wanted to commend Councilmember Himmelblau for really cleaning up this ordinance, making it a lot more workable. We don't have the forms yet, but when we see the forms from the Legal Department everyone who has to comply with the ordinance will see how much more workable it is.

Councilmember Trevino was absent for the afternoon session.

#### LICENSE AGREEMENT REQUEST

MR. CARL NEWSOME, consulting engineer, appeared before the Council to request a license agreement between the City of Austin and Travelodge Motel for a driveway within the unimproved right-of-way of Toney Burger Lane. He indicated that the proposed road along the right-of-way would be a temporary solution that would afford access to the Travelodge Motel for southbound traffic coming from the north. Mr. Newsome stated that the road would fall within City specifications as outlined in a resolution dated September 30, 1976. He indicated that the Travelodge would incorporate with anyone else to construct a road that would meet the full urban standards. The School District which owns the land adjacent to the right-of-way, however, has no intention of developing the right-of-way. Mr. Newsome indicated that the property will probably be sold and developed into a residential area.

Deputy City Manager Homer Reed stated that the case was unique in that he did not know of a parallel. He recommended that the Council not grant the right to use the property as suggested but encourage the Travelodge to pave the street the distance required, which would be 450 to 500 feet to the south boundary line of the property. He indicated that this would render access to the Travelodge as well as the adjacent property owned by the School District. Mr. Reed recommended granting temporary access to the street while the plans were being drawn to prepare the street for public use. Councilmember Cooke asked Mr. Reed what the difference was between the two proposals. Mr. Reed stated that the Travelodge was proposing to construct a 25-foot strip of road along the right-of-way whereas, if they were to meet City specifications, would be constructing a 44-foot strip with curbs and gutters. Mr. Newsome stated that extending the strip to 44 feet would cost an additional \$15,000 and modifying the temporary access road (25 foot strip) to City specifications would cost an additional \$4,500. Councilmember Himmelblau stated that she did not think that the City should get in the business of maintaining substandard streets and that she was not in favor of granting ~~allisance~~ agreement.

MR. JERRY SALYERS, Manager of the Travelodge, told the Council that all they were asking for was a temporary solution. He stated that the licensing agreement could be revoked at any time if the adjacent property were to be sold. He indicated that after the hotel's peak season was passed, they could go back and reconstruct another road that could meet up to the City specifications. However, Mr. Salyers expressed concern that the State Highway Department might close off the east side of the access road and the \$15,000 road would become useless.

Councilmember Cooke suggested allowing the temporary road to be built and requiring Travelodge to go back later and rebuild the road to City specifications. Mr. Reed stated that this would be ~~permissible~~ but that a letter of credit would be required, guaranteeing that such construction would take place in the future. Mr. Salyers stated that he had no objection to this but that he could not speak for the corporation as to the letter of credit. Councilmember Mullen suggested starting construction on a road that would meet City specifications that could at the same time render accessibility to the Travelodge.

Under these circumstances, no action was taken by the Council.

#### 4TH OF JULY CELEBRATION

MR. PAT KAUFMAN, Third Vice President of the Austin Jaycees, appeared before the Council to request approval of the following, in conjunction with the 4th of July Celebration:

1. Permission to use Auditorium Shores for July 4, 1977 Celebration.
2. Permission to set up concessions.
3. Permission for a fireworks show held on Auditorium Shores, July 4, 1977, from 9:30 p.m. until 10:30 p.m.
4. City of Austin provide insurance for fireworks event.

City Manager Davidson indicated that Section 4 (insurance) of the request was provided for in the City budget. Mr. Kaufmann requested that the \$25 fireworks charge be waived and included within Section 3 of the request. Mr. Davidson did not recommend the waiving of the charge.

Councilmember Cooke moved that the Council grant the request from the Austin Jaycees but not to waive the \$25 fireworks charge. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Mayor McClellan  
Noes: None  
Absent: Councilmember Trevino

#### PARADE PERMIT

Mayor McClellan indicated that the parade permit request from the Austin Aqua Festival had been postponed to a later date.

#### PARADE PERMIT

The Council considered a request for a parade permit from Dan Brainard for Northwest Hills July 4th Parade Committee, from 9:00 a.m. until 12:00 noon, Monday, July 4, 1977, beginning eastbound on Far West from West Rim to Northledge, south on Northledge to Doss Elementary School.

Councilmember Himmelblau moved that the Council grant the request for the parade permit. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Trevino

#### PLAYGROUND POOLS

Mrs. Elizabeth Hamilton appeared before the Council to indicate that she had received assurance from the City Parks and Recreation Department that the free neighborhood playground pools would remain open on Monday, July 4, 1977.

#### CHANGE ORDER

Councilmember Goodman moved that the Council adopt a resolution to approve a construction change order in the amount of \$9,546.87 to AUSTIN ROAD COMPANY, for Street and Drainage Improvements in Rundberg Lane from Lamar Boulevard to I. H. 35. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman  
Noes: None  
Absent: Councilmember Trevino



## CHANGE ORDER

Councilmember Goodman moved that the Council adopt a resolution to approve a construction change order in the amount of \$18,700.00 to AUSTIN ROAD COMPANY for St. John's Street and Drainage Improvements. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau  
Noes: None  
Absent: Councilmember Trevino

## EASEMENTS

Councilmember Goodman moved that the Council adopt a resolution to approve the corrections of field notes for portions of Electrical Easements which were released by Council on April 19, 1972. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

## APPROVAL OF EASEMENTS

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve the following Easement:

An Electrical Easement described in Volume 2966 at Page 749 of the Deed Records of Travis County, Texas and being out of Lot 1, Block 2, Fredericksburg Road Acres. (Requested by Harvey Uhrich, Design Manager, Safeway, Inc.)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve the following Easement:

A Water and Wastewater Easement 15.00 feet in width out of Lot 1, La Costa Phase One, Section One locally known as 6121 North Interregional Highway. (Requested by Charles Morton of Charles M. Morton Construction Company, representing the Marriott Hotel).

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve the following Easements:

Two Public Utility Easements: No. 1 being the east 225 feet of the north five (5.00) feet of Lot 1, Block C, Cameron Park Section One; No. 2 being the east 225 feet of the south five (5.00) feet of Lot 23, Block C, Cameron Park Section Two. (Requested by Mr. Frank Barron, owner)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve the following Easement:

A portion of a Public Utilities Easement out of Lots 11 and 12 Block F, "Spicewood at Balcones Village Section Five." (Requested by the Bullard Company, W. H. Bullard, President.)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

#### APPROACH ~~ON~~ CONTRACTS

Councilmember Goodman moved that the Council adopt a resolution to approve the following approach main contract:

NPS REALTY - Construction of an 8-inch wastewater main to serve Quail Hollow Subdivision. (No cost participation by the City).

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Mayor McClellan  
Noes: None  
Absent: Councilmember Trevino

Councilmember Goodman moved that the Council adopt a resolution to approve the following approach main contract:

FIRST SERVICE CORPORATION - Construction of a 12-inch water main to serve Southland Oaks subdivision. (Estimated cost to the City, \$27,074.00).

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

Councilmember Himmelblau moved that the Council adopt a resolution to approve the following approach main contract:

FRANCIS R. REISSIG - Construction of a 12-inch water main to serve the Reissig Subdivision. (Estimated cost to the City, \$3,850.00).

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmember Cooke

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

#### SPECIAL AGREEMENT

Councilmember Himmelblau moved that the Council adopt a resolution to authorize execution of a special Agreement between the Austin-Travis County Health Department and the Texas Department of Health Resources. The Agreement period is July, August and September of 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Absent: Councilmember Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

#### HOME HEALTH AGENCY PROGRAM

Councilmember Mullen moved that the Council adopt a resolution authorizing the Health Department to charge \$22.59 per visit for services rendered under the Home Health Agency Program. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau  
Noes: None  
Absent: Councilmember Trevino

## CONTRACTS

Councilmember Himmelblau moved that the Council adopt a resolution to approve the following contract:

TRANS-WORLD COMPACTORS	- Equipment Hospital Compactors
8238 Nieman Road	Item 1, 2, 3, 4, - \$29,076.00
Lenexa, Kansas	

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

MR. ROBERT SPURCK, Administrator of Brackenridge Hospital, presented the Council with a brief description of the proposed compactors. Councilmember Mullen questioned why there was such limited bidding submitted on the compactors. Mr. Solon Bennett, Director of the Purchasing Department, indicated that the bids were limited because of the exacting specifications of the equipment needed. Councilmember Mullen suggested expanding the parameters of such items in order to cut down on the expense. City Manager Dan Davidson stated that his office would be glad to come back with a presentation of the bids and system requirements for Council review.

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Councilmember Goodman moved that the Council adopt a resolution to approve the following contract:

SUN ELECTRIC CORPORATION	- Automotive Testing Equipment,
431 Isom Road., Suite #129	Vehicle and Equipment Services
San Antonio, Texas	Item 1-3 - \$5,504.00

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

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Councilmember Himmelblau moved that the Council adopt a resolution to approve the following contract:

CHEMICAL & TURF SPECIALTY	- Fertilizer, Parks and Recreation
10211 Plano Road	Items 1 and 2 - \$5,058.13
Dallas, Texas	

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan

Noes: Mayor Pro Tem Snell

Absent: Councilmember Trevino

#### YOUTH CONSERVATION CORPS GRANT

Councilmember Mullen moved that the Council adopt a resolution to enter into a contractual agreement with the Texas Department of Community Affairs for a Youth Conservation Corps grant in the amount of \$12,224 (City in-kind match \$6,851). The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Mayor McClellan, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Trevino

Councilmember Cooke questioned about the \$6,851 City in-kind matching money. Mr. Jack Robinson, Director of the Parks and Recreation Department, stated that this money came partly from the Department's budget and partly from its Materials money.

#### RENEWAL APPLICATION

Councilmember Goodman moved that the Council adopt a resolution authorizing a renewal application to the Community Services Administration for a total grant of \$700,000. (\$420,000 and \$280,000 matching cash or in-kind - Program period: October 1, 1977 through September 30, 1978) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Absent: Councilmember Trevino

MR. BUCK APELT of the Human Resources Department indicated that the County would pick up part of the in-kind money in the amount of \$50,400. He stated that the City's in-kind money would come out of the Community Action Division budget. The money will be for the operation of the Community Action Program in seven neighborhood centers. Mr. Apelt pointed out that the grant would not tie the Council's hands during next year's budget deliberations.

## SPECIAL TRANSIT PASSENGERS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 REVISING SECTIONS 34-6, 34-41, 34-42 AND 34-43; SETTING THE RATES FOR PERSONALIZED TAXICAB SERVICES AND ESTABLISHING CERTAIN PROCEDURES REGULATING SUCH SERVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None  
Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## ZONING ORDINANCE

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE ORDERING A CHANGE IN HEIGHT AND AREA AND CHANGING THE HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOTS 1 THROUGH 14, BLOCK "D," R. C. LAMBIE RESUBDIVISION OF VOSS ADDITION IN OUTLOT NO. 71, DIVISION "O," INCLUDING ALL THE ALLEY ADJACENT TO SAID LOTS, LOCALLY KNOWN AS 801-907 CLERMONT AVENUE; 800-906 FLORES STREET, AND ALSO BEING BOUNDED BY EAST AVENUE AND SAN MARCOS STREET, FROM "GR" GENERAL RETAIL, SECOND HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, THIRD HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE. (Campbell McGinnis, Robert C. McGinnis, Robert Clift McGinnis, and Mike McGinnis, C14-77-033)

The ordinance was read the third time, and Councilmember Himmelblau moved that the ordinance be finally passed. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Councilmembers Cooke, Himmelblau  
Noes: Mayor Pro Tem Snell, Councilmember Goodman  
Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## EX-OFFICIO MEMBERSHIP ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 46-3 OF THE CODE OF THE CITY OF AUSTIN OF 1967, PROVIDING EX-OFFICIO, NON-VOTING MEMBERSHIP ON THE CITIZENS' BOARD OF NATURAL RESOURCES AND ENVIRONMENTAL QUALITY FOR THE DIRECTOR OF HEALTH; DISCONTINUING EX-OFFICIO, NON-VOTING MEMBERSHIP ON THE CITIZENS' BOARD OF NATURAL RESOURCES AND ENVIRONMENTAL QUALITY FOR THE DIRECTOR OF PARKS AND RECREATION; AMENDING PROVISION FOR SELECTING CHAIR TO CONFORM TO PROVISIONS OF ORDINANCE 760506-F DATED MAY 6, 1976; PROVIDING THAT THE CHAIR BE ELECTED BY THE MEMBERSHIP OF THE BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen

Noes: None

Absent: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

## EMERGENCY NO. 911

The Council considered a proposal to utilize No. 911 as the telephone number for all emergency services within the Austin area. Ms. Andrea Beatty, Assistant City Manager, stated that the system would have the advantage of being just one number, faster, and in one centralized location. The main disadvantages would be that there would be a loss of contact with citizens and the cost for implementation might be significant. She indicated that there was a question as to what the service area for the system would be and outlined the following options:

1. Bell Telephone recommends a service area that would encompass Travis, Williamson, Hays, Caldwell and Bastrop Counties.
2. The 1972 "CAPCO" proposal which encompasses a 10-County area.
3. Strictly Austin and Travis County.

Ms. Beatty stated that the system would take at least 24 months to implement. She said that there would have to be one designated subscriber and that a decision would have to be made as to the type of system to be utilized. Ms. Beatty indicated that the City currently receives 450 emergency calls per day and that this number would increase to an estimated 700 calls per day with the system in operation. The monthly subscriber cost for the system would increase from \$2000 to \$9000 per month. She stated that outside, additional funding might be available for implementation of the system.

Councilmember Mullen moved that the Council instruct the City Manager's Office to proceed with the study and come back to the Council with a progress report. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Trevino

#### SENIOR ACTIVITY CENTER BUILDING

Councilmember Cooke moved that the Council instruct the City Attorney to draft a resolution for the naming of the Senior Activity Building and place on the agenda next week. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman,  
Himmelblau, Mullen, Mayor McClellan  
Noes: None  
Absent: Councilmember Trevino

#### ANNOUNCEMENT

Mayor McClellan stated that the Council had received a letter from Mr. Bill Moore of the Urban Transportation Commission requesting that the Council delay the public hearing on the Hill Country Ambulance Service application for a franchise because the Commission was not able to reach a recommendation. However, the Mayor stated that there was a legal problem with delaying the hearing and that it would take place as scheduled. City Attorney Jerry Harris stated that the hearing would have to be held no later than July 7, 1977, due to the strict timing procedures outlined in the City Code. Councilmember Himmelblau suggested holding the hearing but not taking any action on the franchise application.

#### ADJOURNMENT

The Council Meeting adjourned at 3:42 p.m.

ATTEST:

APPROVED

*Carole Kester McClellan*  
Mayor

*Grace Monroe*  
City Clerk